

Linda Vista Shopping Center Redevelopment Plan

Adopted

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Amended

June 2, 1976, Ordinance No. O-11850

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November 22, 1999 Ordinance No. O-18724

Redevelopment Agency
of the
City of San Diego

REDEVELOPMENT PLAN
LINDA VISTA SHOPPING CENTER
REDEVELOPMENT PROJECT

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EXHIBIT I

PROJECT LOCATION MAP

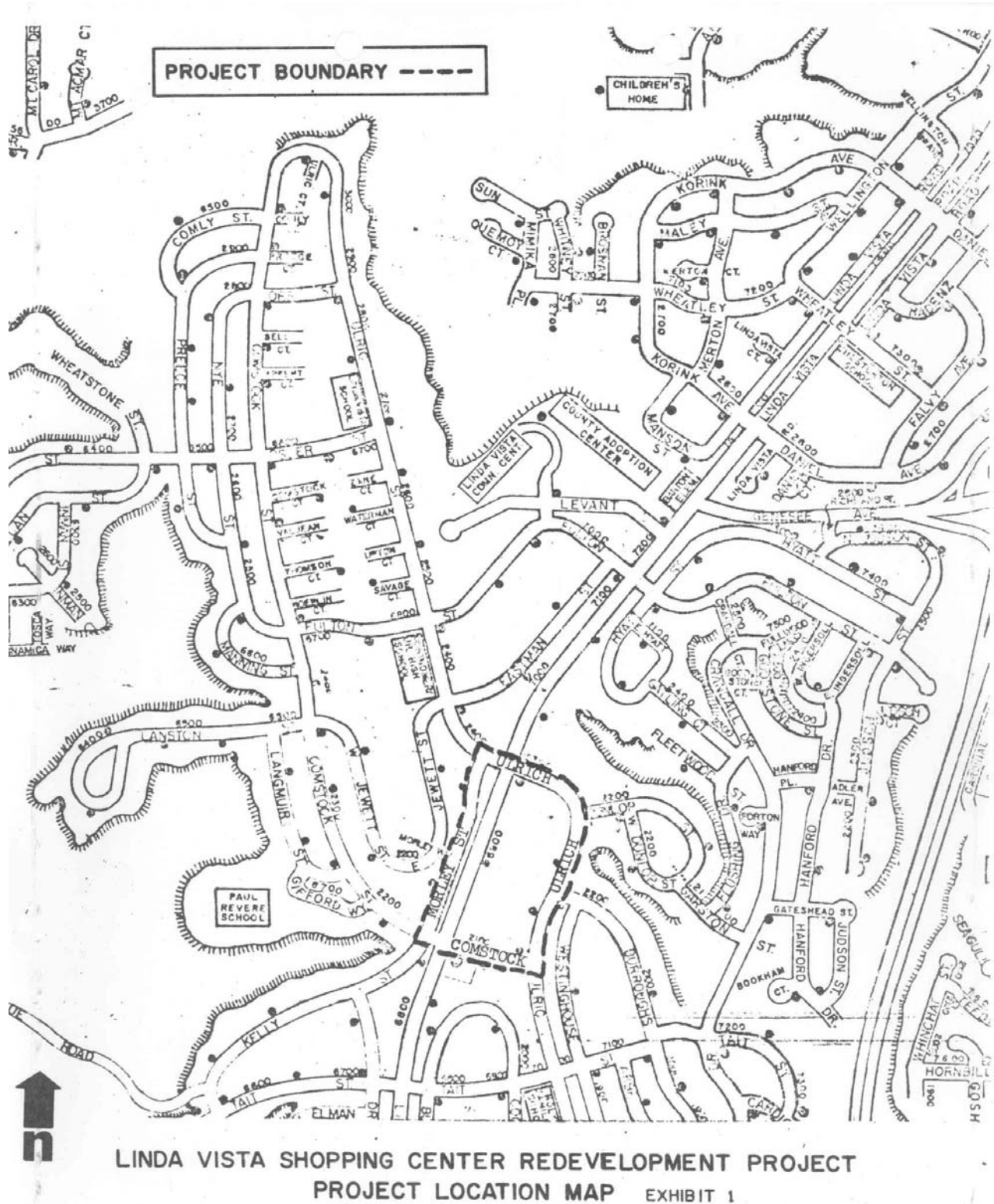
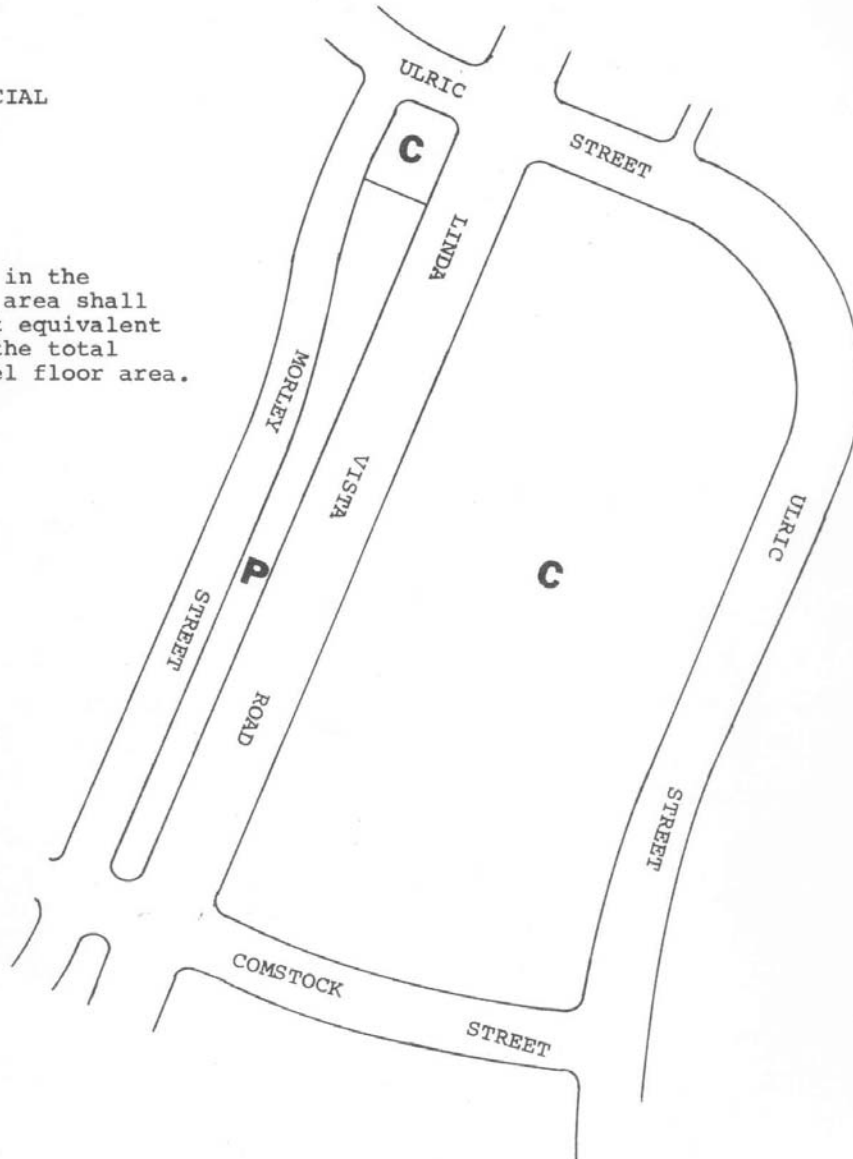


EXHIBIT II LAND USE MAP

LINDA VISTA SHOPPING CENTER REDEVELOPMENT PROJECT

- *
C COMMERCIAL
P PUBLIC
- * Open space in the commercial area shall be at least equivalent to 60% of the total ground level floor area.



LAND USE MAP

EXHIBIT I

REDEVELOPMENT PLAN
FOR THE
LINDA VISTA SHOPPING CENTER
REDEVELOPMENT PROJECT

ARTICLE I
INTRODUCTION

SEC. 100 Legal Foundation

100.1 This Redevelopment Plan for the Linda Vista Shopping Center Redevelopment Project has been prepared by The Redevelopment Agency of The City of San Diego, California, pursuant to the Community Redevelopment Law of the State of California, the California Constitution, and all applicable local laws and ordinances.

100.2 The proposed redevelopment conforms to the Progress Guide and General Plan for the City of San Diego adopted by the City Council on July 20, 1967, and to the revised General Plan Map adopted by the City Council on January 27, 1972, and the Kearny Vista Community (Master) Plan adopted by the City Council on May 20, 1970.

100.3 In order that all or portions of the Project may qualify for Federal financial assistance, the Redevelopment Plan also functions as an Urban Renewal Plan under Federal Law.

100.4 This Redevelopment Plan is based on a Preliminary Redevelopment Plan approved by the Planning Commission on September 27, 1972.

SEC. 110 Project Objectives

110.1 The objectives of this Redevelopment Project are as follows:

- A. Create a modern community shopping center offering a balance of shopping and convenience goods to meet the commercial and social needs of the surrounding community.
- B. Provisions for residential development (possibly retirement housing) and public facilities such as a branch library, community meeting hall and recreational uses.
- C. Remove of structurally substandard buildings.
- D. Elimination of blighting influences including incompatible land uses, obsolete structures and inadequate parking facilities.
- E. Achievement of a community shopping center reflecting a high level of concern for architectural and urban design principles.
- F. Provision for the orderly development of a portion of the Kearny Vista Community in accordance with the Progress Guide and General Plan for the City of San Diego.

ARTICLE II

GENERAL DEFINITIONS

SEC. 200 Definitions

200.1 The following definitions are used in this Plan unless otherwise indicted by the text:

- A. “Agency” means the Redevelopment Agency of the City of San Diego, California.
- B. “Kearny Vista” is a planning study area located on Kearny Mesa and is bounded by Friars Road on the south, Interstate 5 to the west, Artillery Drive to the north, and Highway 395 to the east.
- C. “City” means the City of San Diego, California.
- D. “City Council” means the City Council of the City of San Diego.
- E. “Planning Commission” means the Planning Commission of the City of San Diego, California.
- F. “Plan” means the Redevelopment Plan for the Linda Vista Shopping Center Redevelopment Project.

- G. “Project Area” means the area included within the boundaries of the Linda Vista Shopping Center Redevelopment Project.
- H. “Project” means the Linda Vista Shopping Center Redevelopment Project.
- I. “Redevelopment Law” means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et seq.).
- J. “State” means the State of California.

ARTICLE III

PROJECT AREA BOUNDARIES

SEC. 300 Boundaries

300.1 The boundaries of the project area are set forth on the Project Location Map, Exhibit I. The legal description of the Project Area is as follows:

300.2 Lots 1, 2 and 3 of Linda Vista Plaza, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6345, filed in the Office of the County Recorder of San Diego County, April 28, 1969.

Block 54 of Linda Vista Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2883, filed in the Office of the County Recorder of San Diego County, July 2, 1952.

Lots 1, 2 and 3 of Houch Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6101, filed in the Office of the County Recorder of San Diego County, May 13, 1968.

Lots 1, 2 and 3 of Block 53 of Linda Vista Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2883, filed in the Office of the County Recorder of San Diego County, July 2, 1952.

300.3 And also, in the City and County of San Diego and State of California beginning at the intersection of the northerly right-of-way line of said Ulric Street with the westerly right-of-way line of said Morley Street; thence easterly along the said northerly right-of-way line of Ulric

Street; thence curving southerly along the easterly right-of-way line of said Ulric Street to an intersection with an easterly extension of the southerly right-of-way line of said Comstock Street; thence westerly along the said southerly right-of-way line of Comstock street to an intersection of the westerly right-of-way line of Morley Street; thence northerly along said westerly right-of-way line of Morley Street to the point of beginning.

ARTICLE IV PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 General Redevelopment Actions

400.1 To obtain the Objectives of the Plan as set forth in Sec. 110 of this document the Agency proposes the following implementing actions:

- A. Acquisition of property;
- B. Rehabilitation and moving of certain structures;
- C. Participation by owners and tenants;
- D. Demolition, Clearance, Public Improvements, Building and Site Preparation;
- E. Relocation Assistance to displaced residential and non-residential occupants.
- F. Disposition of property for uses in accordance with this Plan;
- G. Other actions as appropriate.

SEC. 410 Acquisition of Property

410.1 Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located in the Project Area, by gift, devise, exchange, purchase, eminent domain, or any other lawful method.

410.2 It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute the Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area. However, no eminent domain proceeding to acquire property within the Project Area shall be commenced after twelve

(12) years following December 8, 1986. Such limitation may be extended only by amendment of the Plan in the manner required by law.

410.3 The Agency shall not acquire interests in oil, gas or other mineral substances within the Project Area, except to preclude drilling within the Project Area within 500 feet of the surface.

410.4 The Agency is not authorized by law to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire private property which was formerly public property by being transferred by deed, lease, or otherwise to private ownership or control before the Agency completes land disposition within the entire Project Area if the Agency and the private owner do not enter into a participation agreement.

410.5 The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

410.6 The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alteration, improvement, modernization, or rehabilitation, or (2) the site or lot on which the building is situated requires modification in size, shape, or use, or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

410.7 Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means except eminent domain.

SEC. 420 Rehabilitation and Moving of Structures

420.1 The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation of property in the Project Area not owned or acquired by the Agency.

420.2 As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building to a location within or outside the Project Area.

SEC. 430 Participation by Owners and Tenants

430.1 The Agency shall extend preferences to persons who are engaged in business in the Project Area, to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the Plan. Business, residential, institutional and semi-public tenants shall be permitted, if they so desire, and are able and qualified to purchase and develop real property in the Project Area.

430.2 Persons who are owners of residential, business and other types of real property in the Project Area shall be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development by retaining all or a portion of their properties, by acquiring adjacent or other properties in the Project Area, or by selling their properties to the Agency and purchasing other properties in the Project Area.

430.3 In the event an owner-participant fails or refuses to rehabilitate or newly develop his real property pursuant to this Plan and the Participation Agreement, the real property or any interest therein may be acquired by the Agency.

430.4 If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants.

430.5 In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.

430.6 The Agency shall promulgate and, as appropriate, amend rules for owner and tenant participation.

430.7 Participation opportunities are necessarily subject to and limited by factors such as the following:

- A. The elimination and/or modification of some land uses.
- B. The creation of a physically well designed shopping center.
- C. The ability of participants to finance the proposed development.
- D. The reduction of the total number of individual parcels in the Project Area.
- E. Change in orientation and character of the area.

430.8 Each participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

430.9 Whether or not a participant enters into a participation agreement with the Agency the provisions of this Plan are applicable to all public and private property in the Project Area.

SEC. 440 Demolition, Clearance, Public Improvements, Building and Site Preparation

440.1 The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project Area as necessary to carry out the objectives of this Plan.

440.2 The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out the Plan. Such public improvements include, but are not limited to, over-underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, street furnishings and transportation facilities.

440.3 The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project Area owned by the Agency.

SEC. 450 Relocation Assistance to Displaced Residential and Non-Residential Occupants

450.1 The Agency shall assist all families, individuals, business concerns or other entity in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs.

450.2 In accordance with applicable State and Federal law, the Agency shall provide relocation payments to displaced families, individuals, businesses, and other entities.

450.3 The Agency will assure that sufficient land be made available for suitable housing for rental or purchase by low and moderate income persons and families. "Low-and-Moderate-income Persons" means those persons who would qualify under Section 1715z and 1715z-1 of the United States Government Code as those definitions in those sections now existing or may be amended, replaced, or superseded. If insufficient suitable housing units are available in the

community for use by such persons and families of low and moderate income displaced by the Redevelopment Project, the Agency may, to the extent of that deficiency, direct or cause the development, rehabilitation or construction of housing units within the community, both inside and outside of the Project Area.

SEC. 460 Disposition and Redevelopment of Property for Uses in Accordance with this Plan

460.1 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. Neither all nor any portion of any property shall be resold by the Agency to the person from whom such property was obtained at a price lower than that for which it was purchased by the Agency.

460.2 To the extent permitted by law, the Agency is authorized to dispose of real property by leases or sales by negotiation without public bidding.

460.3 All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

460.4 The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent further transfer, retention or use of property for speculative purposes and to insure that developments are carried out pursuant to this Plan.

460.5 All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a

period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

460.6 To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

460.7 The leases, deeds, contracts, agreements, declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

460.8 All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, color, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such non-discrimination and non-segregation clauses as are required by law.

460.9 To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity to the extent where such improvement would be of benefit to the Project Area.

460.10 During the period of development in the Project area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being

observed, and that development in the Project area is proceeding in accordance with disposition and development documents and time schedules.

460.11 For the purposes of this Plan the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

SEC. 470 Other Actions As Appropriate

470.1 Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

470.2 The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall impose on all public bodies the planning and design controls contained in the Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

470.3 During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management, maintenance, and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

470.4 The Agency is authorized, but not required, to make payments in lieu of property taxes to one or more taxing agencies.

470.5 The Agency shall investigate the public service needs of the Linda Vista Community to determine what social facilities should be included within the Linda Vista Shopping Center Project.

ARTICLE V

USES PERMITTED AND PLANNING CONSIDERATIONS

SEC. 500 Land Use and Plan Development Considerations

500.1 The Land Use Map, Exhibit II, sets forth the proposed uses to be permitted in the Project.

500.2 All the areas designated as commercial on Exhibit II may be developed and used as a mixture of commercial, residential and public. A multi-level structure to provide low to moderate income housing may be developed within the Project Area.

500.3 As illustrated in the Land Use Map, certain public streets will remain. Additional public streets, rights-of-way and easements may be created in the Project as needed for development.

500.4 In any area the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and charitable institutions, and facilities of other similar associations or organizations.

SEC. 510 General Controls and Limitations

510.1 All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan, except in conformance with the provisions of this Plan.

510.2 All new construction shall comply with all applicable State and local laws in effect from time to time including, without limitations, the Building, Electrical, Heating and Ventilating, Housing and Plumbing Codes of the City and the City Zoning Ordinance.

510.3 The Agency is authorized to permit an existing use to remain in an existing building in good condition, which does to conform to this Plan, provided that such use is generally compatible with the developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

510.4 The maximum number of buildings in the Project Area will be twenty-five. The approximate number of dwelling units will be two hundred and fifty.

510.5 No building shall exceed 40 feet in height, except for the residential structures which shall not exceed 200 feet in height.

510.6 Provisions for open space shall be encouraged and maximized with respect to the developments proposed in the Project Area. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material. If possible, existing trees shall be preserved.

510.7 For each residential unit at least 150 square feet of usable open space shall be provided. This open space may be provided above ground level.

510.8 In all areas sufficient space shall be maintained between buildings to provide adequate light, air and privacy. All service and outdoor storage areas shall be screened from public view.

510.9 All signs shall conform to City ordinance as they now exist or are hereafter amended. Furthermore, neon, rotating, blinking, flashing and overhanging signs will not be permitted. Free-standing signs are discouraged.

510.10 Parking for commercial uses shall be provided to accommodate one car for every 225 square feet of gross floor area. Residential parking shall be in accordance with City standards applicable to elderly housing and shall be physically separated from the commercial parking.

510.11 Approximately eight percent of all parking areas shall be devoted to landscaped open space. In addition, at least a 10-foot landscaped strip shall be provided on the periphery of all parking areas abutting to public rights-of-way.

510.12 The land designated as Public on Exhibit II shall be developed and enhanced with public facilities (such as landscaping, tot lots, public buildings, and related parking) and/or commercial uses. At least 50 percent of this land shall be devoted to landscaped open space. In addition, this parcel shall be closely related to the Center through the use of appropriate site design treatments.

510.13 The Agency shall require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

510.14 No use or structure which by reasons of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

510.15 After rehabilitation and development pursuant to the Plan, no parcel in the Project Area, including any parcel retained by a conforming owner or participant, shall be resubdivided with the approval of the Agency.

510.16 The Agency is authorized to permit a variation from the limits, restrictions and controls established by the Plan. In order to permit such variation, the Agency must determine that:

A. The application of certain provisions of the Plan would result impractical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of the Plan, or

B. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls, or

C. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area and contrary to the objectives of the Plan, or

D. Permitting a variation will not be contrary to the design criteria.

510.17 No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

510.18 There shall be no discrimination or segregation based upon sex, race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project.

SEC. 520 Submission of Schematic Plans

520.1 Every public and private developer of land within the Project Area shall submit to the Agency complete schematic plans showing the proposed development. The plans shall include:

A. A plot plan of the entire redevelopment area, drawn to scale, illustrating the arrangement of buildings, driveways, pedestrian ways, off-street parking and off-street loading areas, landscaped areas, fences and walks. The buildings which are proposed to be retained shall be so designated. The plan shall illustrate the location of entrances and exits, and the direction of traffic flow in off-street parking and loading areas. The plat plan shall indicate how utility services and drainage are to be provided.

B. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained, schematic drawings indicating the amount, type and location of landscaped areas, planting beds and plant material with sufficient provisions for irrigation.

C. Architectural drawings or models, renderings or sketches, drawn to scale, illustrating all elevations of the proposed new buildings as well as the proposed renovation of the structures to be retained. All exterior surfacing materials and colors shall be specified and shall promote an harmonious architectural motif.

D. Scale drawings of all signs, exterior lighting and street furniture showing size, location, materials, colors and illumination.

E. Any other drawings and models necessary to illustrate the proposed project.

520.2 The Planning Commission shall review the schematic plans and make a recommendation to the Redevelopment Agency within thirty days from receipt of said plans. The Redevelopment Agency will make a final decision of either, approval, conditional approval or denial.

520.3 Prior to any redevelopment, the developer shall prepare a phasing plan to insure that a systematic removal and replacement of structures will occur for the purpose of providing the existing businesses within the center an opportunity to relocate within the new shopping center with the least disruption to their operations.

SEC. 530 Building Permits

530.1 No permits shall be issued for the construction of any new building or any addition to an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been processed in the manner provided. Any permit that is issued hereunder must be in conformance with the provisions and intent of this Plan.

530.2 Upon receipt of such an application, the city shall request the Agency to review the application to determine what effect, if any, the issuance thereof would have upon the Plan for

said Project Area. Within 45 days thereafter, the Agency shall file with the City a written report setting forth its findings of fact, including, but not limited to, the following:

A. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and has previously submitted architectural, landscape and site plans to the Agency; and

B. Whether the proposed improvements would be compatible with the standards and other requirements set forth in the Plan; and

C. Whether the modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan.

530.3 After receipt of said report or after said 45-day period, whichever occurs first, the City may allow the issuance of the permit with conditions, or shall withhold the issuance of the permit if it finds that the proposed improvements do not meet the requirements of the Plan. Within 5 days after allowing or withholding issuance of the permit, the City shall notify by certified mail the applicant and the Agency of its decision.

530.4 No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency.

ARTICLE VI

METHODS FOR FINANCING THE PROJECT

SEC. 600 General Description of the Proposed Financing Methods

600.1 The Agency is authorized to finance this Project with financial assistance from the City, State, Federal Government of the United States of America, property tax increments, special assessment districts, donations, interest income, Agency bonds, loans from private financial institutions, the lease of agency-owned property, sale of agency-owned property and/or any other available source.

600.2 Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Project with assistance from the United States Government. In the first year, the Project will be financed under the Federal Neighborhood Development Program (NDP) authorized by Section 131 of Title I of the Housing Act of 1949, as amended. In subsequent years the Project may be funded by this program or by other Federal programs or by other means.

600.3 Federal financial assistance under NDP is on the basis of annual increments, and a new NDP funding contract will be executed each year by the Federal government and the Agency. The NDP funding contract for each year will cover only that portion of project costs to be incurred or obligated during that year. Thus, project estimates will be calculated on a yearly basis and financial assistance received for only those items or activities carried on within that year. The Federal NDP funding contract for any given year will establish the maximum amount of the capital grant and the relocation grant which may be paid to the Agency and the maximum amount of operating capital which may be borrowed for the year by the Agency under the contract. At the end of each NDP year the Federal grants and the local share will be recalculated based on the actual performance and financial settlement will be made. Each year when financial settlement is completed, the earned Federal grants will be paid and the excess Federal grants which were proposed will be cancelled.

600.4 There is no legal commitment by HUD, the City, or the Agency to finance this Project as a whole. This Project is authorized by HUD to proceed with Federal financing only under NDP on an annual basis as funds are available and provided. Such funds are available for the first NDP year. If, in the judgment of the City Council, further funds will not be available, the Agency shall terminate activities in the Project as expeditiously as possible in light of the public interest. The City Council by adoption of this Plan agrees to supply adequate funds for any such termination of the Project, provided, however, that the City shall not be obligated to provide or expend funds in excess of the amount necessary for administrative and overhead costs for such termination.

SEC. 610 Tax Increment

610.1 Tax increment financing may not be the only source of funding the local share of the Redevelopment Project. However, the Project assessed valuation base will be established in accordance with State law as described herein. Any tax increments will be used to defray project expenses to the extent the increment by itself or from the sale of tax allocation bonds allows.

610.2 All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State, County, City, any district, or other public corporation (hereinafter sometimes called “taxing agencies”) after the effective date of the ordinance approving this Redevelopment Plan shall be divided as follows:

A. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date); and

B. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, this Redevelopment Project. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (A) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and

interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

610.3 The portion of taxes mentioned in paragraph (B) above are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project in whole or in part, subject to the following restriction: The Agency shall not pay indebtedness or receive property taxes pursuant to Section 610.2 (B) after November 21, 2022, except as otherwise specifically permitted under Health and Safety Code Section 33333.6.

610.4 The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

610.5 The number of dollars of taxes which may be divided and allocated to the Agency pursuant to the Plan shall not exceed: (1) for Fiscal Years 1985-1986 and before the amounts actually so divided and allocated to the Agency; and (2) for Fiscal Years 1986-1987 and thereafter the amount of thirteen million two hundred twenty five thousand dollars (\$13,225,000), except by amendment of the Plan in the manner required by law.

SEC. 620 Bonds, Advances, and Indebtedness

620.1 The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

620.2 The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency. No loan, advance, or indebtedness to finance in whole or in part the Project and to be repaid from the division and

allocation of taxes to the Agency pursuant to Health and Safety Code Section 33670 shall be established or incurred by the Agency beyond January 1, 2004.

620.3 Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

620.4 The bonds and other obligations of the Agency are not a debt of the City, the State, nor shall any of its political subdivisions be liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

SEC. 630 First Year Funding

630.1 For the first year's activities of the Project under the NDP, it is estimated that total project costs eligible for Federal participation will be approximately \$200,000. It is estimated that there will be revenue in this amount from, but not limited to, Federal grants and local contributions.

630.2 For operating capital for financing the Project in the first year under the NDP, it is contemplated that the Agency will obtain an advance of funds in the open market by issuing notes secured by the United States of America which, together with direct borrowing from the Federal government will not exceed an estimated \$200,000 at any one time.

SEC. 640 Total Project Funding

640.1 It is now estimated that total Project costs for the life of the Project will not exceed \$3.0 million. It is estimated that there will be revenue from, but not limited to, proceeds from the sale or lease of Project land, Federal grants, tax credits, tax increments, and other credits and contributions in the amount of \$3.0 million.

SEC. 650 Provision of the Local Share

650.1 The Federal government will provide two-thirds of the total Project costs in the form of grants. The remaining one-third share must come from local sources.

650.2 The total one-third share of the Project is now estimated at a maximum of \$1.0 million. These funds will be available from local contributions, tax increments, and non-cash contributions of the City of San Diego.

ARTICLE VII ACTIONS BY THE CITY

SEC. 700 Actions by the City

700.1 The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

A. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the abandonment and relocation of public utilities in the public rights-of-way as appropriate to carry out this Plan.

B. Institution and completion of proceedings necessary for changes and improvements in private and public-owned public utilities within or affecting the Project Area.

C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

E. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

F. The undertaking and completing of any other proceedings necessary to carry out the Project.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT OF THE PLAN

SEC. 800 Administration and Enforcement of the Plan

800.1 The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

800.2 The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

ARTICLE IX

DURATION OF THIS PLAN

SEC. 900 Duration of this Plan

900.1 Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents

formulated pursuant to this Plan may be made effective for 40 years from the date of adoption of this Plan by the City Council.

ARTICLE X
PROCEDURE FOR AMENDMENT

SEC. 1000 Procedure for Amendment

1000.1 This Plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure established by Law.